

Date of Deposit: October 24, 2003

I hereby certify that this TRANSMITTAL LETTER, DIVISIONAL APPLICATION AND FILING FEE are being deposited with the United States Postal Service by Express Mail Procedure in an envelope numbered EL 998013218 US addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Georgien B. George
Georgien B. George

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. UDLZ 2 00022-2

Prior application: 10/048,695

Examiner: Lin, I.H.

Art Unit: 1725

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313

Sir:

This is a request for filing a divisional application under 37 C.F.R. 1.60, of pending prior application:

Serial No. 10/048,695 filed July 19, 2002, of Vincent et al.

for: **DISTRIBUTOR DEVICE FOR USE IN METAL CASTING.**

1. xxx Enclosed is a complete copy of the prior application, including the oath or declaration as originally filed, comprising:
 - 10 pages of Specification
 - 3 pages of Claims
 - 1 page of Abstract
 - 5 pages of Drawings
 - 1 executed Declaration for Patent Application
2. xxx Please enter the enclosed Preliminary Amendment before calculating the filing fee.
3. xxx The prior application is assigned of record to Pyrotek Engineering Materials Limited (Reel/Frame: 013319/0857, 07/19/2002).
4. xxx The power of attorney in the prior application remains in effect and a copy is attached.
 - a. xxx Address all future communications to

Fay, Sharpe, Fagan, Minnich & McKee, LLP
1100 Superior Avenue, Seventh Floor
Cleveland, Ohio 44114-2518
5. xxx I hereby verify that the attached papers are a true and correct copy of prior application serial number 10/048,695 as originally filed on July 19, 2002.
6. xxx The filing fee is calculated below.

EL 998013218US

CLAIMS (AFTER ENTRY OF ENCLOSED PRELIMINARY AMENDMENT)			
Basic Filing Fee			\$ 770.00
		No. of Extra Claims Present	Additional Rate
Total Claims	24 - 20	4	\$ 72.00
Indep. Claims	3 - 3	0	\$ 0.00
Total fee			\$ 842.00

7. xxx A check in the amount of **\$842.00** is enclosed.
8. xxx The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Account No. 06-0308. A duplicate copy of this sheet is enclosed.
9. xxx Please enter the enclosed Information Disclosure Statement and form PTO-1449.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

October 24, 2003
Date

Steven M. Haas
Steven M. Haas, Reg. No. 37,841
Attorney of Record

Address of Signator:

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP
1100 Superior Avenue, 7th Floor
Cleveland, Ohio 44114
(216) 861-5582

L:\SMH\2003\OC03\udl2002-2.apr.doc

Practitioner's Docket No. UDL 20022**CHAPTER II**

Preliminary Classification:

Proposed Class:

Subclass:

NOTE: "All applicants are requested to include a preliminary classification on newly filed patent applications. The preliminary classification, preferably class and subclass designations, should be identified in the upper right-hand corner of the letter of transmittal accompanying the application papers, for example 'Proposed Class 2, subclass 129.'" M.P.E.P., § 601, 7th ed.

**TRANSMITTAL LETTER
TO THE UNITED STATES ELECTED OFFICE (EO/US)
(ENTRY INTO U.S. NATIONAL PHASE UNDER CHAPTER II)**

INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
PCT/GB00/02951	4 August 2000 (04.08.00)	5 August 1999 (05.08.99)
TITLE OF INVENTION		
DISTRIBUTOR DEVICE FOR USE IN METAL CASTING		
APPLICANT(S)		
VINCENT, Mark; TREMBLAY, Sylvain		

Box PCT
Assistant Commissioner for Patents
Washington D.C. 20231
ATTENTION: EO/US

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

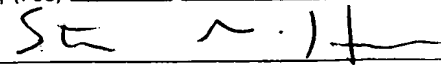
I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

37 C.F.R. § 1.8(a)**37 C.F.R. § 1.10 ***☐ with sufficient postage as first class mail.☒ as "Express Mail Post Office to Addressee"Mailing Label No. EV 020233525 IIS (mandatory)**TRANSMISSION**☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Signature



1/31/02

Date: 1/31/02

Steven M. Haas

(type or print name of person certifying)

EV020233525US

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

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EL998013218 us

NOTE: To avoid abandonment of the application, the applicant shall furnish to the USPTO, not later than 20 months from the priority date: (1) a copy of the international application, unless it has been previously communicated by the International Bureau or unless it was originally filed in the USPTO; and (2) the basic national fee (see 37 C.F.R. § 1.492(a)). The 30-month time limit may not be extended. 37 C.F.R. § 1.495.

WARNING: Where the items are those which can be submitted to complete the entry of the international application into the national phase are subsequent to 30 months from the priority date the application is still considered to be in the international state and if mailing procedures are utilized to obtain a date the express mail procedure of 37 C.F.R. § 1.10 must be used (since international application papers are not covered by an ordinary certificate of mailing—See 37 C.F.R. § 1.8.

NOTE: Documents and fees must be clearly identified as a submission to enter the national state under 35 U.S.C. § 371 otherwise the submission will be considered as being made under 35 U.S.C. § 111. 37 C.F.R. § 1.494(f).

I. Applicant herewith submits to the United States Elected Office (EO/US) the following items under 35 U.S.C. § 371:

- a. ☒ This express request to immediately begin national examination procedures (35 U.S.C. § 371(f)).
- b. ☒ The U.S. National Fee (35 U.S.C. § 371(c)(1)) and other fees (37 C.F.R. § 1.492) as indicated below:

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2. Fees

CLAIMS FEE	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
<input checked="" type="checkbox"/> *	TOTAL CLAIMS	20 - 20 =	0	× \$18.00 =	\$ 0.00
	INDEPENDENT CLAIMS	4 - 3 =	1	× \$84.00 =	84.00
	MULTIPLE DEPENDENT CLAIM(S) (if applicable) + \$280.00				---
BASIC FEE**	<input type="checkbox"/> U.S. PTO WAS INTERNATIONAL PRELIMINARY EXAMINATION AUTHORITY Where an International preliminary examination fee as set forth in § 1.482 has been paid on the international application to the U.S. PTO: <input type="checkbox"/> and the international preliminary examination report states that the criteria of novelty, inventive step (non-obviousness) and industrial activity, as defined in PCT Article 33(1) to (4) have been satisfied for all the claims presented in the application entering the national stage (37 C.F.R. § 1.492(a)(4)) \$100.00 <input type="checkbox"/> and the above requirements are not met (37 C.F.R. § 1.492(a)(1)) \$710.00 <input checked="" type="checkbox"/> U.S. PTO WAS NOT INTERNATIONAL PRELIMINARY EXAMINATION AUTHORITY Where no international preliminary examination fee as set forth in § 1.482 has been paid to the U.S. PTO, and payment of an international search fee as set forth in § 1.445(a)(2) to the U.S. PTO: <input type="checkbox"/> has been paid (37 C.F.R. § 1.492(a)(2)) \$740.00 <input type="checkbox"/> has not been paid (37 C.F.R. § 1.492(a)(3)) \$1040.00 <input checked="" type="checkbox"/> where a search report on the international application has been prepared by the European Patent Office or the Japanese Patent Office (37 C.F.R. § 1.492(a)(5)) \$890.00				
	Total of above Calculations				= 974.00
SMALL ENTITY	Reduction by 1/2 for filing by small entity, if applicable. Assertion must be made. (note 37 C.F.R. § 1.27)				- ---
	Subtotal				974.00
	Total National Fee				\$ 974.00
	Fee for recording the enclosed assignment document \$40.00 (37 C.F.R. § 1.21(h)). (See Item 13 below). See attached "ASSIGNMENT COVER SHEET".				---
TOTAL	Total Fees enclosed				\$ 974.00

*See attached Preliminary Amendment Reducing the Number of Claims. 1974

- ☒ Attached is a ☒ check ☐ money order in the amount of \$ ~~1,098.00~~ 1,111.02
- ☒ Authorization is hereby made to charge the amount of \$ any deficiency in
national filing fee
- ☒ to Deposit Account No. 06-0308
- ☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should **not** be included on this form as it may become public.

- ☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

****WARNING:** "To avoid abandonment of the application the applicant shall furnish to the United States Patent and Trademark Office not later than the expiration of 30 months from the priority date: * * * (2) the basic national fee (see § 1.492(a)). The 30-month time limit may not be extended." 37 C.F.R. § 1.495(b).

WARNING: If the translation of the international application and/or the oath or declaration have not been submitted by the applicant within thirty (30) months from the priority date, such requirements may be met within a time period set by the Office. 37 C.F.R. § 1.495(b)(2). The payment of the surcharge set forth in § 1.492(e) is required as a condition for accepting the oath or declaration later than thirty (30) months after the priority date. The payment of the processing fee set forth in § 1.492(f) is required for acceptance of an English translation later than thirty (30) months after the priority date. Failure to comply with these requirements will result in abandonment of the application. The provisions of § 1.136 apply to the period which is set. Notice of Jan. 3, 1993, 1147 O.G. 29 to 40.

☐ **Assertion of Small Entity Status**

☐ **Applicant hereby asserts status as a small entity under 37 C.F.R. § 1.27.**

NOTE: 37 C.F.R. § 1.27(c) deals with the assertion of small entity status, whether by a written specific declaration thereof or by payment as a small entity of the basic filing fee or the fee for the entry into the national phase as states:

"(c) Assertion of small entity status. Any party (person, small business concern or nonprofit organization) should make a determination, pursuant to paragraph (f) of this section, of entitlement to be accorded small entity status based on the definitions set forth in paragraph (a) of this section, and must, in order to establish small entity status for the purpose of paying small entity fees, actually make an assertion of entitlement to small entity status, in the manner set forth in paragraphs (c)(1) or (c)(3) of this section, in the application or patent in which such small entity fees are to be paid.

(1) Assertion by writing. Small entity status may be established by a written assertion of entitlement to small entity status. A written assertion must:

(i) Be clearly identifiable;

(ii) Be signed (see paragraph (c)(2) of this section); and

(iii) Convey the concept of entitlement to small entity status, such as by stating that applicant is a small entity, or that small entity status is entitled to be asserted for the application or patent. While no specific words or wording are required to assert small entity status, the intent to assert small entity status must be clearly indicated in order to comply with the assertion requirement.

(2) Parties who can sign and file the written assertion. The written assertion can be signed by:

(i) One of the parties identified in §§ 1.33(b) (e.g., an attorney or agent registered with the Office), §§ 3.73(b) of this chapter notwithstanding, who can also file the written assertion;

(ii) At least one of the individuals identified as an inventor (even though a § 1.63 executed oath or declaration has not been submitted), notwithstanding §§ 1.33(b)(4), who can also file the written assertion pursuant to the exception under § 1.33(b) of this part; or

(iii) An assignee of an undivided part interest, notwithstanding §§ 1.33(b)(3) and 3.73(b) of this chapter, but the partial assignee cannot file the assertion without resort to a party identified under §§ 1.33(b) of this part.

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5. ☒ Amendments to the claims of the International application under PCT Article 19 (35 U.S.C. § 371(c)(3)):

NOTE: The Notice of January 7, 1993 points out that 37 C.F.R. § 1.495(a) was amended to clarify the existing and continuing practice that PCT Article 19 amendments must be submitted by 30 months from the priority date and this deadline may not be extended. The Notice further advises that: "The failure to do so will not result in loss of the subject matter of the PCT Article 19 amendments. Applicant may submit that subject matter in a preliminary amendment filed under section 1.121. In many cases, filing an amendment under section 1.121 is preferable since grammatical or idiomatic errors may be corrected." 1147 O.G. 29-40, at 36.

- a. ☒ are transmitted herewith, as annexes to the International Preliminary Examination Report

- b. ☒ have been transmitted

- i. ☒ by the International Bureau.

Date of mailing of the amendment (from form PCT/1B/308):

15 February 2001.

- ii. ☐ by applicant on _____. (Date)

- c. ☐ have not been transmitted as

- i. ☐ applicant chose not to make amendments under PCT Article 19.
Date of mailing of Search Report (from form PCT/ISA/210.):

- ii. ☐ the time limit for the submission of amendments has not yet expired. The amendments or a statement that amendments have not been made will be transmitted before the expiration of the time limit under PCT Rule 46.1.

6. ☒ A translation of the amendments to the claims under PCT Article 19 (38 U.S.C. § 371(c)(3)):

- a. ☐ is transmitted herewith.

- b. ☒ is not required as the amendments were made in the English language.

- c. ☐ has not been transmitted for reasons indicated at point 5(c) above.

7. ☒ A copy of the international examination report (PCT/IPEA/409)

- ☒ is transmitted herewith.

- ☐ is not required as the application was filed with the United States Receiving Office.

8. ☒ Annex(es) to the international preliminary examination report

- a. ☒ is/are transmitted herewith. (amended sheets 11, 12, 13)

- b. ☐ is/are not required as the application was filed with the United States Receiving Office.

9. ☒ A translation of the annexes to the international preliminary examination report

- a. ☐ is transmitted herewith.

- b. ☒ is not required as the annexes are in the English language.

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10. ☒ An oath or declaration of the inventor (35 U.S.C. § 371(c)(4)) complying with 35 U.S.C. § 115
- a. ☐ was previously submitted by applicant on _____. (Date)
 - b. ☐ is submitted herewith, and such oath or declaration
 - i. ☐ is attached to the application.
 - ii. ☐ identifies the application and any amendments under PCT Article 19 that were transmitted as stated in points 3(b) or 3(c) and 5(b); and states that they were reviewed by the inventor as required by 37 C.F.R. § 1.70.
 - c. ☒ will follow.

II. Other document(s) or information included:

11. ☒ An International Search Report (PCT/ISA/210) or Declaration under PCT Article 17(2)(a):
- a. ☒ is transmitted herewith.
 - b. ☒ has been transmitted by the International Bureau.
Date of mailing (from form PCT/IB/308): 15 February 2001.
 - c. ☐ is not required, as the application was searched by the United States International Searching Authority.
 - d. ☐ will be transmitted promptly upon request.
 - e. ☐ has been submitted by applicant on _____. (Date)

12. ☒ An Information Disclosure Statement under 37 C.F.R. §§ 1.97 and 1.98:

- a. ☐ is transmitted herewith.

Also transmitted herewith is/are:

☐ Form PTO-1449 (PTO/SB/08A and 08B).

☐ Copies of citations listed.

- b. ☒ will be transmitted within THREE MONTHS of the date of submission of requirements under 35 U.S.C. § 371(c).
- c. ☐ was previously submitted by applicant on _____. (Date)

13. ☐ An assignment document is transmitted herewith for recording.

A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.

14. ☒ Additional documents:

- a. ☒ Copy of request (PCT/RO/101)
 - b. ☒ International Publication No. WO 01/10584 A1
 - i. ☐ Specification, claims and drawing
 - ii. ☒ Front page only
 - c. ☒ Preliminary amendment (37 C.F.R. § 1.121)
 - d. ☐ Other
-
-
-

15. ☒ The above checked items are being transmitted

- a. ☒ before 30 months from any claimed priority date.
- b. ☐ after 30 months.

16. ☐ Certain requirements under 35 U.S.C. § 371 were previously submitted by the applicant on _____, namely:

AUTHORIZATION TO CHARGE ADDITIONAL FEES

WARNING: Accurately count claims, especially multiple dependant claims, to avoid unexpected high charges if extra claims are authorized.

NOTE: "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).

NOTE: "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

☒ Please charge, in the manner authorized above, the following additional fees that may be required by this paper and during the entire pendency of this application:

☒ 37 C.F.R. § 1.492(a)(1), (2), (3), and (4) (filing fees)

WARNING: Because failure to pay the national fee within 30 months without extension (37 C.F.R. § 1.495(b)(2)) results in abandonment of the application, it would be best to always check the above box.

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- ☐ 37 C.F.R. § 1.492(b), (c) and (d) (presentation of extra claims)

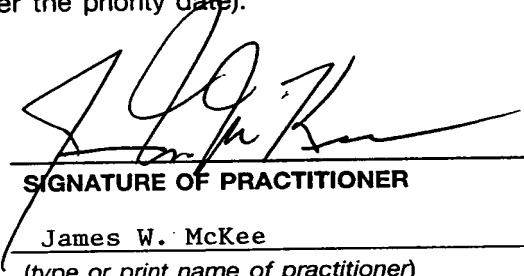
NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.492(d)), it might be best not to authorize the PTO to charge additional claim fees, except possible when dealing with amendments after final action.

- ☐ 37 C.F.R. § 1.17 (application processing fees)
- ☐ 37 C.F.R. § 1.17(a)(1)–(5) (extension fees pursuant to § 1.136(a).
- ☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).

NOTE: 37 C.F.R. § 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee." From the wording of 37 C.F.R. § 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

- ☐ 37 C.F.R. § 1.492(e) and (f) (surcharge fees for filing the declaration and/or filing an English translation of an International Application later than 30 months after the priority date).


SIGNATURE OF PRACTITIONER

James W. McKee

(type or print name of practitioner)

Fay, Sharpe, Fagan, Minnich & McKee, LLP
1100 Superior Avenue, Seventh Floor

P.O. Address

Cleveland, OH 44114-2518

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